

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,

Case No. CR13-5214BHS

v.

DETENTION ORDER

MARK DUANE FUSTON,
Defendant.

THE COURT, having conducted a detention hearing pursuant to 18 U.S.C. ' 3142, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of the defendant as required and/or the safety of any other person and the community.

This finding is based on 1) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and characteristics of the person including those set forth in 18 U.S.C. ' 3142(g)(3)(A)(B); and 4) the nature and seriousness of the danger release would impose to any person or the community.

Findings of Fact/ Statement of Reasons for Detention

Presumptive Reasons/Unrebutted:

- ☐ Conviction of a Federal offense involving a crime of violence. 18 U.S.C. ' 3142(f)(A)
- ☐ Potential maximum sentence of life imprisonment or death. 18 U.S.C. ' 3142(f)(B)
- ☐ Potential maximum sentence of 10+ years as prescribed in the Controlled Substances Act (21 U.S.C. ' 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. ' 951 et seq.) Or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)
- ☐ Convictions of two or more offenses described in subparagraphs (A) through (C) of 18 U.S.C. ' 3142(f)(1) of two or more State or local offenses that would have been offenses described in said subparagraphs if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses.

Safety Reasons:

- ☐ Defendant is currently on probation/supervision resulting from a prior offense.
- ☒ Defendant deemed a danger to the community due to allegations surrounding the instant offense.
- ☒ Defendant's criminal history.
- ☐ History of failure to comply with Court orders and terms of supervision.

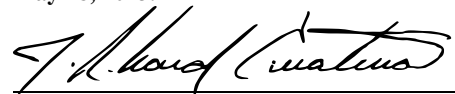
Flight Risk/Appearance Reasons:

- ☒ Defendant's lack of appropriate residence.
- ☐ Immigration and Naturalization Service detainer.
- ☐ Detainer(s)/Warrant(s) from other jurisdictions.
- ☐ Failures to appear for past court proceedings.
- ☐ Past conviction for escape.

Order of Detention (without prejudice to review)

- < The defendant shall be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
- < The defendant shall be afforded reasonable opportunity for private consultation with counsel.
- < The defendant shall on order of a court of the United States or on request of an attorney for the Government, be delivered to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

May 28, 2013.



J. Richard Creatura, US Magistrate Judge